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Congress of the United States House of Representatives

Washington, DC 20515

April 8, 2011

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The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Mr. Attorney General:

For our democracy to endure, we, the people, must have faith in its laws and system of justice, including faith that our elections for public office are fair and free from any manipulation or tampering. Following this week's election for the Wisconsin Supreme Court, numerous constituents have contacted me expressing serious doubt that this election was a free and fair one. They fear, as I do, that political interests are manipulating the results.

The following information was reported by the Associated Press with additional reporting by the Wisconsin State Journal staff, on Friday, April 8:

- On Wednesday morning, April 6, with 100% of precincts reporting, according to the Associated Press, JoAnne Kloppenburg appeared to beat incumbent David Prosser for a seat on the Wisconsin Supreme Court by a slim (204 vote) margin out of 1.5 million votes cast.
- Late Thursday afternoon, April 7, the Waukesha County Clerk, Kathy Nickolaus, announced at a press conference that she "failed to save on her computer and then report 14,315 votes in the city of Brookfield, omitting them entirely in an unofficial total she released after Tuesday's election." Nickolaus blamed this on "human error."
- These new votes would give Prosser a roughly 7,500 vote lead in the race – almost exactly the number needed to deny an automatic, government-funded recount.
- Nickolaus said she discovered the error on Wednesday, April 6. She said she entered the numbers into the system and failed to hit "save." She further explained that when she came in to upload the information for the statewide canvass, she noticed all of the fields and columns for the City of Brookfield results were blank.

- The Milwaukee Journal Sentinel reported that last year, Waukesha County officials raised objections to Nickolaus' practice of storing election data on computers in her office rather than on the county's computer network. Nickolaus said this practice was aimed at keeping the data more secure. However, this practice prevented the county's information technology specialists from verifying the system was fail-safe, the county's director of administration said at the time. Auditors later recommended that Nickolaus improve security and backup procedures.
- The Milwaukee Journal Sentinel also reported that Nickolaus, who worked for seven years as a data analyst and computer specialist for the Wisconsin Assembly Republican Caucus, headed up an effort to develop a computer program that averaged the performance of Republicans in statewide races by ward. During some of that time, David Prosser served as Assembly Speaker, meaning he was essentially Nickolaus' boss.
- In 2001, Nickolaus was granted immunity to testify about her role as a computer analyst for the Wisconsin Assembly Republican Caucus, then under investigation for using state resources to secretly run campaigns.

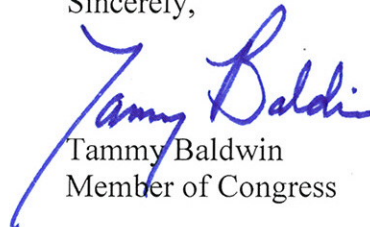
I share the concerns of my constituents that these reports raise serious doubts as to the integrity of the electoral process in Waukesha County and, by extension, our entire state.

To ensure that the April 5th election for Wisconsin Supreme Court Justice is free, fair, and transparent, and to uphold faith in our democracy for ourselves and future generations, I ask for your immediate assistance in investigating these election inconsistencies in Wisconsin.

Specifically, I urge you to immediately assign the Justice Department Public Integrity Section, which oversees the federal prosecution of election crimes, to investigate the questionable handling of vote records in Waukesha County, Wisconsin.

We, the people, must be assured that our votes are fairly counted and reported and our democracy remains intact and untainted.

Sincerely,


 Tammy Baldwin
 Member of Congress